

Bobby Joe Long 3

Attachment to Independent Case Review Report
For CDRU # 2105 Case file # 95-261981.

Material Examiner: Malone (RO)

Remarks:

Case resulted in guilty plea. No transcript.

michelle Simms

Was any other material reviewed? Yes No

If yes, please identify and/or describe the material: Submitting agency letters dated 5/29/84, 6/29/84, 7/10/84, 10/10/84, 11/26/84

Results of Review

File #: 95-261981 Item or Specimen # Reviewed: Q1, Q2, Q3, Q4, Q5, Q6, Q9, Q10,

Q11, Q12, Q13, Q23, K2, K5-K10, K11, K16

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
- 4) Testimony consistent with the bench notes? Yes No Unable to Determine
- 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-261981

#1. While it appears the appropriate tests were performed, it cannot be stated they were done in a scientifically acceptable manner due to the following reasons:

A. Color comparison using the microspectrophotometer was done on the Q2, Q3, Q5, Q12, Q13, and K16 fibers but was not done on the Q1 or Q23 fibers (see notes on 41130003).

B. It is difficult to evaluate the comparison of color using the microspectrophotometer. There is some degree of variation between the Q and K fibers being compared, but the criteria used at the time of analysis to determine a match is not known.

C. Infrared analysis to specifically identify and compare the polymer composition as nylon was done on the Q3 and K16 fibers but was not done on the Q1, Q2, Q5, Q12, Q13, Q23 fibers (see notes on 41130003).

D. Much of the data on the fiber comparison is marginal and incomplete. One page of notes, which looks like

Review completed at: 3:30 PM (Time), 11/14/2000 (Date)

Total time spent conducting review (to nearest 1/4 hour): 3.5 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 5 pages.

Steve Roberts
(Signature)

11-14-2000
(Date)

Additional Comments
(Set forth by question #, if applicable)

File #: 95-261981

#1 (continued):

a photocopy and not an original, contains some data on the diameter, birefringence and sign of elongation, but is not marked with case or item number, initials or date. It cannot be determined which fiber was used to obtain this data. Conclusions based upon undocumented or incomplete data is not scientifically acceptable.

E. Some original notes have been blackened out. In one instance, the original notes indicate the color of some of the fibers as "reddish-orange" and this has been altered to read "red" (see notes on 4107010).

#2. The results are not adequately documented in the notes. The notes are not dated, are mostly in pencil and not ink and use abbreviation that are difficult to interpret (such as "ftfvtc" in the fiber examination and "M-lt dist, lt indist, dk dist" and "cut-ssp" to describe some of the hair characteristics).

The technician's notes in 40530024 do not document the recovery of any hair or fiber from Q1, Q2, Q3, Q12 or Q13.

One page of notes is marked with only "Q9" and "Q10". It appears there was something stapled to this page and it has been removed.

Page 2 of the report dated Jan. 25, 1985 (41130003) states the Q fibers "both microscopically and instrumentally match" the carpet fibers. "Instrumentally match" is a vague term open to interpretation. It would be better to state specifically how the fibers match (color, composition, etc.)

Comments in #1A, 1C and 1D above also apply to question #2.

The report dated Jan 25, 1985 (4113003) states the fibers from the victim match the Q101 carpet fibers from the suspect's car (in 41129002). No documentation could be found to indicate Q101 fibers were analyzed.

Instead, the examiner analyzed K16 fibers, identified as fibers from the front right floorboard of the suspect's vehicle. Q101 is identified as the front passenger floor carpet.

Additional Comments
(Set forth by question #, if applicable)

File #: 95-261981

The following cases report an association of the victim with Robert Joe Long's vehicle based upon fiber comparisons: 95-261981, 95-264272, 95-263655, 95-263981, 95-261223, 95-263573, 95-264331.

All fibers involved in the association were apparently compared microscopically, and selected fibers were further analyzed instrumentally, using infrared spectroscopy and/or microspectrophotometry. The review involved comparing the instrumental data in each case to the instrumental data in the other cases. The instrumental fiber data support the conclusions made associating the victims with Robert Joe Long.

Initials: SKK